

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**NATHAN KALTENBACH**  
Claimant

**GO DADDY SOFTWARE INC**  
Employer

**APPEAL 20A-UI-14101-AD-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 07/05/20**  
**Claimant: Appellant (2R)**

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Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search  
Iowa Code § 96.19(38) – Total, partial unemployment

**STATEMENT OF THE CASE:**

On November 5, 2020, Nathan Kaltenbach (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated October 26, 2020 (reference 01) that denied benefits as of July 5, 2020 based on a finding claimant was still employed for the same hours and wages and therefore not partially unemployed.

A telephone hearing was held on January 6, 2021. The parties were properly notified of the hearing. Claimant participated personally. Go Daddy Software Inc. (employer/respondent) participated by Employee Relations Partner Shanan Reed.

Official notice was taken of the administrative record.

**ISSUE(S):**

- I. Is the claimant totally, partially, or temporarily unemployed?
- II. Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant began working for employer on September 28, 2015. Claimant was employed full-time as a sales support consultant. Claimant's position was eliminated as part of a restructuring. The last day claimant worked on the job was June 26, 2020. However, employer continued to pay claimant approximately \$1,000.00 per week until September 1, 2020, as severance pay.

Claimant was able to and available for work from the date of separation until he began another full-time position on December 3, 2020. Claimant filed a weekly claim for benefits each week from the benefit week ending July 11, 2020 and continuing through the benefit week ending January 2, 2021.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the decision dated October 26, 2020 (reference 01) that denied benefits as of July 5, 2020 based on a finding claimant was still employed for the same hours and wages and therefore not partially unemployed is REVERSED. Claimant is eligible for benefits as set forth below. The issue of whether claimant is disqualified from benefits for the period during which he was receiving severance pay is REMANDED to the Benefits Bureau.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Code section 96.19(38) provides:

*"Total and partial unemployment"*.

a. An individual shall be deemed "*totally unemployed*" in any week with respect to which no wages are payable to the individual and during which the individual performs no services.

b. An individual shall be deemed partially unemployed in any week in which either of the following apply:

(1) While employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

c. An individual shall be deemed temporarily unemployed if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated.

Iowa Code section 96.5(5) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

5. Other compensation.

a. For any week with respect to which the individual is receiving or has received payment in the form of any of the following:

(1) Wages in lieu of notice, separation allowance, severance pay, or dismissal pay.

Claimant was able to and available for work from the benefit week ending July 4, 2020 and continuing through the benefit week ending December 5, 2020. He was totally unemployed during this period and therefore eligible for benefits, as no wages were payable to him and he performed no services. He is not eligible for benefits after the benefit week ending December 5, 2020, as he was employed to such an extent as to be unavailable for work.

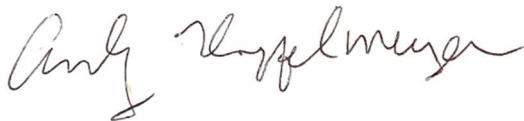
However, employer continued to pay claimant approximately \$1,000.00 per week until September 1, 2020, as severance pay. This matter must therefore be remanded to the Benefits Bureau for a determination on whether claimant is disqualified from benefits for the period during which he was receiving severance pay.

**DECISION:**

The decision dated October 26, 2020 (reference 01) that denied benefits as of July 5, 2020 based on a finding claimant was still employed for the same hours and wages and therefore not partially unemployed is REVERSED. Claimant is eligible for benefits as set forth above.

**REMAND:**

The issue of whether claimant is disqualified from benefits for the period during which he was receiving severance pay is REMANDED to the Benefits Bureau.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

January 25, 2021  
Decision Dated and Mailed

abd/kmj

**Note to Claimant:**

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.